

Time commenced:10.32am
Time adjourned: 11.47am
Time recommenced: 12:01pm
Time finished:12:05pm

**GENERAL LICENSING SUB COMMITTEE
23 APRIL 2009**

Present: Councillors Redfern and Leeming

55/08 Appointment of Chair

Resolved to appoint Councillor Redfern as Chair of the Sub-Committee.

56/08 Apologies

Apologies for absence were received from Councillor Richards.

57/08 Late Items Introduced by the Chair

There were no late items.

58/08 Declarations of Interest

There were no declarations of interest.

**59/08 Application for a new premises licence at
Cathedral Green Public Open Space, Full Street,
Derby, DE1 3AF**

The Committee considered a report from the Director of Environmental Services for an application for a new premises licence at Cathedral Green Public Open Space, Full Street, Derby DE1 3AF. An application for a new premises licence was received on 27 February 2009 from Derby City Council (Parks Management). A copy of the application was attached at Appendix 2 of the report. The requested licensable activity were plays, films, indoor sporting events, boxing or wrestling entertainments, live music, recorded music, performance of dance, anything of a similar description to that falling within live music or recorded music or performance of dance, provision of facilities for making music, provision of facilities for dancing and anything of a similar description to that falling within making music or dancing.

5. The sub committee made the following findings of fact:

5.1 When the sale of alcohol is provided, the event organiser will apply for a temporary events notice excluding Mondays to Fridays except on Bank Holidays.

- 5.2 The Police will always be informed of all events.
- 5.3 All events over 500 will be will be scrutinised by the Event Planning Team. For all events an event safety plan must be submitted. All events will include the necessary infrastructure.
- 5.4 All events will commence no earlier than 08.00 hours and will finish no later than 23.00 hours.
- 5.5 All events will be family friendly and children will attend with family members/carers.
- 5.6 A written objection regarding noise nuisance was received and withdrawn prior to the hearing.
- 5.7 A site visit was deemed necessary and voted for and was attended by all parties.

6. The Sub-Committee has RESOLVED to **GRANT** the application for a Premises Licence for Cathedral Green Public Open Space, Full Street, Derby, DE1 3AF in the following way:

6.1 provide regulated entertainment namely exhibition of plays, films, sporting events, boxing/wrestling entertainment, live and recorded music and performances of dance.

6.2 To provide entertainment facilities for making music and dancing during the following times:

Activity		Hours
Exhibition of films		Monday – Sunday : 08:00 – 23:00
Plays		Monday – Sunday : 08.00 – 23.00
Sporting events		Monday – Sunday : 08.00 – 23.00
Boxing or Wrestling		Monday – Sunday : 08.00 – 23.00
Entertainments		
Recorded music		Monday – Sunday: 08:00 – 23:00
Live music		Monday – Sunday : 08.00 – 23.00
Performances of dance		Monday – Sunday : 08.00 – 23.00
Provision of facilities for making music		Monday – Sunday: 08:00 – 23:00
Provision of facilities for dancing		Monday – Sunday : 08.00 – 23.00

7. In order to promote the 4 Licensing Objectives, the following conditions will be attached to the Licence:

MANDATORY CONDITIONS – SUPPLY OF ALCOHOL

- 1.1 No supply of alcohol may be made under the premises licence-
 - a. at any time when there is no designated premises supervisor in respect of the premises licence; or
 - b. at any time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 1.2 No alcohol may be made under this premises licence except when a temporary events notice has been applied for and granted excluding Mondays to Fridays except Bank Holidays.

MANDATORY CONDITIONS – EXHIBITION OF FILM

- 2.1 No film shall be exhibited unless:
 - a. it has received a “U”, “PG”, “12A”, “15”, or “18” certificate of the British Board of Film Classification; or
 - b. it is a current news reel which has not been submitted to the British Board of Film Classification.
- 2.2 “18” Films
No person apparently under the age of eighteen years shall be admitted to any exhibition at which there is to be shown any film which has received an “18” certificate from the British Board of Film Classification.
- 2.3 “15” Films
No person apparently under the age of fifteen years shall be admitted to any exhibition at which there is to be shown any film which has received an “15” certificate from the British Board of Film Classification.
- 2.4 “12A” Films
No person apparently under the age of twelve years shall be admitted to any exhibition unless accompanied by an adult at which there is to be shown any film, which has received a “12A” certificate from the British Board of Film Classification.
- 2.5 “PG” Films
Some scenes contained at which there is to be shown any film, which has received a “PG” certificate from the British Board of Film Classification, may be unsuitable for young children.
- 2.6 “U” Films
Films suitable for all is any film, which has received a “U”, certificate from the British Board of Film Classification.
- 2.7 Permission of Licensing Authority
Notwithstanding the above, a film may be exhibited, or persons, or any class of person, may be admitted thereto if the permission of the licensing

authority is first obtained and any conditions of such permission are complied with.

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

- 3.1 The Public Open Space should only be hired out for those events which are unlikely to cause disturbance to neighbouring residents, businesses or other noise sensitive properties. The premises licence holder or other nominated representative must keep this matter under review in the event of complaints about any event or type of event.
- 3.2 Noise arising from the use of the public open space for licensed activities must not unreasonably disturb other people.
- 3.3 The volume of amplified music within the public open space should be at a level that is appropriate to the time of day and having regard to the distance of the open space from dwellings, business or other noise sensitive premises.
- 3.4 The premises licence holder or a nominated representative shall receive and respond to complaints of noise throughout the duration of all entertainment.
- 3.5 The premises licence holder or other nominated representative shall monitor noise levels outside nearby dwellings, business or other noise sensitive premises during entertainment involving amplified music or speech. If, as a result of monitoring it is considered that the noise levels are excessive, action should be taken to reduce the volume of the entertainment to suitable levels. Attention should be drawn in particular to the effect of the low frequency bass notes which pass through doors and windows. After 20.00 hours the licensee should aim to ensure that noise from entertainment is not audible outside any dwelling in the vicinity. A record of any checks and any action taken as a result shall be maintained in a log book kept specifically for the purpose. The log book shall be made available for inspection by an authorised officer of the licensing authority upon request.

CONDITIONS RELATING TO CRIME & DISORDER

Capacity Limits

- 4.1 YOU MUST NOT ALLOW THE NUMBER OF PEOPLE ON THE PREMISES OR ANY PART OF THE PREMISES TO EXCEED 500. ALL EVENTS OVER 500 WILL BE SCRUTINISED BY THE EVENT PLANNING TEAM.
- 4.2 YOU MUST FIX A SIGN SPECIFYING THE MAXIMUM NUMBER OF PEOPLE ALLOWED ON THE PREMISES OR PART OF THE PREMISES IN AN EASILY VISIBLE POSITION NEAR THE ENTRANCE OR THAT PART OF THE PREMISES.
- 4.3 You must have a suitable procedure approved by the Council for recording the number of people on the Premises or any part of the Premises at any one time. The records shall be kept for 3 months from the date that they

are made and be shown to an Authorised Officer of the Licensing Authority if requested to do so.

- 4.4 You must, if requested by an Authorised Officer of the Licensing Authority, identify the number of people on the Premises or any part of the Premises.

5. The reasons for this decision are as follows:

5.1 Having taken into account the 4 licensing objectives, the guidance issued under section 182 of the Licensing Act 2003, the council's licensing policy and the Human Rights Act, the Sub-Committee sought to balance the interests of the applicant and the representations made by the responsible authorities and the interested parties.

5.2 The Sub-Committee felt it was reasonable and proportionate to allow the application subject to the conditions specified which are imposed to specifically address the concerns raised of noise nuisance.

MINUTES END